

NATIONAL LAND POLICY REVIEW

## Women of Tete defend the strengthening of women's participation in the resolution of conflicts over land

- A week after the first women's consultation and auscultation event held in Ribáuè district, Nampula province, this time the stage for the debate on the draft of the National Land Policy Review was the city of Tete, in the province with the same name. The debate was organized by the Center for Democracy and Development (CDD), in partnership with Forum Mulher, under the project "Organization and Facilitation of the Consultation of Women and Community Leaders in the Context of the Revision of the National Land Policy and Related Legislation", funded by Advancing Rights in Southern Africa (ARISA).



This is an initiative that aims to create an enabling environment for the promotion and protection of human rights, particularly those related to access, use and ownership of land, by strengthening the capacity of women, including traditional leaders, to effectively negotiate with government authorities and other stakeholders to preserve and defend their land rights.

The event, held on 16 June, was attended by 52 women from the city of Tete and the districts of Moatize, Angónia, Changara, Chiúta, Marara and Cahora Bassa. The provincial government was represented by Rosa Moisés Mapanzene, and the event was facilitated by Armindo Chaúque, from the National Land Policy Review Commission; Magda Mendonça, from CDD; and Rebeca Mabui, from Forum Mulher.

After reading and analyzing the draft of the Review of the National Land Policy, there followed a debate on the main issues of interest to women, starting with the need to guarantee their participation in the mitigation and resolution of land conflicts. The participants defend that within the scope of the consolidation and strengthening of the role of traditional authorities in the prevention and resolution of conflicts over land and other natural resources, it is necessary to ensure the participation of women, given that they constitute the most marginalized group in relation to access to and secure ownership of land.

The strengthening and capacity building of community courts in matters and conflict resolution mechanisms integrated into the judicial system is another point highlighted. In addition to the inclusion of paralegal and suitable women in the community courts, the participants say it is important to introduce specialized sections on land conflict resolution in the judicial courts.

The women of Tete also defend the participation of women in the processes of legitimation of occupation of a certain area, as well as the definition of the role and levels of intervention of other social sectors in the process. In relation to community consultations within the scope of the titling of the right to use and benefit from land and the negotiation of partnerships, the preliminary draft foresees the recognition of the binding value of the minutes of community consultations, as well as the closing of the process when the pronouncement of the communities is not favourable. On this point, the women defended the inclusion of photographs of the participants of the community consultation sessions for cases of confirmation or not of the process.

One of the issues that received most attention from the participants in the Tete event is the need to protect good faith occupants who have been exercising ownership of land



for a period not exceeding 10 years. They say that legal mechanisms need to be defined to protect this type of good faith occupants, provided that they obtain recognition through consultations with the local community.

At a time when there is an urban expansion all over the country, it is necessary to guarantee the protection of rights acquired by occupants in good faith and by customary norms and practices in the process of implementation of urbanization projects or any urban intervention. In other words, the participants defend the implementation of mechanisms similar to partnerships between rural communities and private investors.

In the titling and recognition of pre-existing rights, the draft points out the need to guarantee a minimum content of rights of other natural resources existing on the land to which the respective holder is entitled. The participants defend, for example, the payment of monthly allowances to the holder of the space until the end of the implemented project.

The current National Land Policy, including

the respective implementation strategies, was approved through Resolution 10/95, of 17 October, in a context where Mozambique was facing major challenges of national reconstruction and development, after the civil war and prolonged drought which destroyed the productive base of the economy and the socio-economic stability of families. As one of the most important resources available to the country, land valuation was needed to stimulate economic growth.

Two years later, the Land Law was approved - Law 19/97, of 1 October, which revoked the first legal framework for land use and benefit that had been established by Law 6/79, of 3 July. The approval of the current Land Law had the main objective of responding to the new political, economic and social situation and guaranteeing access and security of land ownership, both for Mozambican peasants and national and foreign investors. With the approval of Law 19/97, of 1 October, the intention was also to encourage the use and exploitation of land, so that this resource is valued and contributes to the development

of the national economy<sup>1</sup>.

In 1998, the Land Law Regulation was approved through Decree 66/98, of 8 December. In addition to simplifying administrative procedures and thus facilitating access to land by national and foreign investors, Decree 66/98 regulated the innovations introduced by Law 19/97, of 1 October, namely the recognition of rights acquired through occupation by local communities and by national individuals who, in good faith, have occupied that land for at least 10 years. This regulation applies to regions not covered by areas under the jurisdiction of local authorities that have municipal registration services, with the exception of Article 45 - which deals with the extinction of previous rights of land use and benefit, which is applicable throughout the national territory.

Twenty-five years after the approval of the current National Land Policy, the Mozambican population has almost doubled, including the youth, who are the majority; the economic context has changed, with the implementation of the extractive industry; and the decentralization process has deepened, with the introduction of provincial decentralized governance bodies. This new context led the Government of Mozambique to define the revision of the National Land Policy as one of the priorities for the present five year period (2020-2024).

To this end, the Ministry of Land and Environment created the Commission for the Revision of the National Land Policy (CRPNT), through Ministerial Diploma No. 56/2018, of 12 June, which includes personalities from



various social sectors and technical-scientific areas, and subsequently approved the Action Plan of the National Land Policy Revision Process and related legislation. Under the CRPNT terms of reference, there is an extensive public consultation process in the districts and provinces and a set of preparatory works, including publications, research and debates.

To implement these actions, the Ministry of

Land and Environment signed a memorandum of understanding with the Center for Democracy and Development (CDD) in July 2020, taking into account CDD's mission and vision, which includes facilitating debates, studies and research on issues or themes relevant to democracy, development and human rights, where the issue of land access, use and ownership fits perfectly.


<sup>1</sup> <https://cddmoz.org/cdd-vai-auscultar-jovens-e-liderancas-tradicionais-sobre-a-revisao-da-politica-nacional-de-terras-2/>



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